

## Zolandz, Mark

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**From:** Peter Morgan <peter.morgan@sierraclub.org>  
**Sent:** Friday, February 03, 2017 5:17 PM  
**To:** Harsh, Chad  
**Subject:** Re: Red River FOIA  
**Attachments:** removed.txt

Chad-

I just wanted to confirm that this afternoon I received a link to the responsive docs. I'll let you know if I have any questions after I review.

Thanks.

Peter



**Peter Morgan**  
Staff Attorney, Sierra Club  
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On Wed, Feb 1, 2017 at 1:49 PM, Peter Morgan <[peter.morgan@sierraclub.org](mailto:peter.morgan@sierraclub.org)> wrote:  
Thanks, Chad. I appreciate the quick response.



**Peter Morgan**  
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On Wed, Feb 1, 2017 at 1:42 PM, Harsh, Chad <[Harsh.Chad@epa.gov](mailto:Harsh.Chad@epa.gov)> wrote:

Peter,

The files should be ready to view soon, see the message below from our FOIA coordinator. My apologies for the delay.

Chad

“The records and your response letter were uploaded in FOIAonline on 1/27. WPD Coordinator closed her task yesterday. We are reviewing to make sure we have everything we need. I anticipate closing the request today or tomorrow which will make the records available to him.”

**From:** Peter Morgan [mailto:[peter.morgan@sierraclub.org](mailto:peter.morgan@sierraclub.org)]

**Sent:** Wednesday, February 01, 2017 2:47 PM

**To:** Harsh, Chad <[Harsh.Chad@epa.gov](mailto:Harsh.Chad@epa.gov)>

**Subject:** Re: Red River FOIA

Hi Chad-

Any updates on the status of this FOIA response? We're now several days beyond the January 27 amended deadline.

Thanks.

Peter



**Peter Morgan**

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On Thu, Jan 12, 2017 at 9:17 AM, Peter Morgan <[peter.morgan@sierraclub.org](mailto:peter.morgan@sierraclub.org)> wrote:

Thanks for the clarification. I hereby modify my FOIA request to exclude documents that consist solely of coal production and revenue data.

Peter



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On Thu, Jan 12, 2017 at 9:15 AM, Harsh, Chad <[Harsh.Chad@epa.gov](mailto:Harsh.Chad@epa.gov)> wrote:

The document has about 5 lines of data on annual coal sales and revenue, nothing else. How about limiting to exclude coal production and revenue data?

chad

**From:** Peter Morgan [mailto:[peter.morgan@sierraclub.org](mailto:peter.morgan@sierraclub.org)]

**Sent:** Thursday, January 12, 2017 11:06 AM

**To:** Harsh, Chad <[Harsh.Chad@epa.gov](mailto:Harsh.Chad@epa.gov)>

**Subject:** Re: Red River FOIA

Hi Chad-

Unfortunately, I can't further limit my FOIA request without knowing that documents containing CBI don't also contain non-CBI information that may be of interest. I could potentially agree to limit the request to exclude documents that contain nothing other than CBI. Otherwise, we would want to receive the redacted documents.

Peter



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On Thu, Jan 12, 2017 at 8:36 AM, Harsh, Chad <[Harsh.Chad@epa.gov](mailto:Harsh.Chad@epa.gov)> wrote:

Hi Peter,

I found one potentially responsive document that contains financial information that is marked as confidential business information. I assume that you are not interested in financial information. If that is the case can your request be modified to not include confidential financial information, which would make our internal process much easier. Thanks.

chad

**From:** Peter Morgan [mailto:[peter.morgan@sierraclub.org](mailto:peter.morgan@sierraclub.org)]  
**Sent:** Wednesday, January 04, 2017 11:43 AM  
**To:** Harsh, Chad <[Harsh.Chad@epa.gov](mailto:Harsh.Chad@epa.gov)>  
**Subject:** Re: Red River FOIA

Chad-

I agree with your clarification as to the FOIA request. I also agree to January 27 as the new due date.

Peter



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On Wed, Jan 4, 2017 at 8:07 AM, Harsh, Chad <[Harsh.Chad@epa.gov](mailto:Harsh.Chad@epa.gov)> wrote:

Peter,

To further clarify, official correspondence would not include emails and I would propose January 27 as a new due date. Thanks again.

chad

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**From:** Harsh, Chad  
**Sent:** Wednesday, January 04, 2017 9:10 AM  
**To:** '[peter.morgan@sierraclub.org](mailto:peter.morgan@sierraclub.org)' <[peter.morgan@sierraclub.org](mailto:peter.morgan@sierraclub.org)>  
**Subject:** Red River FOIA

Peter,

Thanks for your call yesterday to discuss the FOIA request and clarify the specific items below. For items 2 and 3, at this time you are only requesting official correspondence between the parties. Also, you would not object to a short time extension on our response. Let me know if this accurately captures our conversation.

Chad

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(1) The Clean Water Act violations described in EPA's September 20, 2016, letter to Red River Coal Company;

(2) Any correspondence between EPA and Red River Coal Company arising from the September 20, 2016, letter; and

(3) Any correspondence between EPA and the Virginia Department of Mines, Minerals, and Energy (DMME) arising from the September 20, 2016, letter.